

CHRISTOPHER KOHL'S FIRE DISTRICT
MINUTES OF SPECIAL BOARD MEETING
JANUARY 29th, 2010
STATION 51

Meeting called to order at 2:00pm, 29 January, 2010. Pledge of Allegiance.

In Attendance: Deborah Dawson, Chairman
 Margot Holmes, Vice Chairman via telephone/speaker
 James Oliver, Clerk/Treasurer
 Electra VanEckhoutte, Fire Chief
 Fire Department members were identified.

Agenda Item 3. Information/Discussion/Action on a civil action taken against the Department by a resident, Mr. Slapnicka, seeking Fuel Reduction Grant payment for tree removal. Mrs. Dawson read the agenda item, and the small claims court action complaint that Mr. Slapnicka filed. Mrs. Dawson reviewed the Grant application and approval, citing several paragraphs to show the intent of the Grant. Several conditions were required for grant reimbursement. The application for Mr. Slapnicka was detailed by Mrs. Dawson. Mr. Oliver gave a brief overview of this issue, saying that Mr. Slapnicka, in the spring of 2008, removed trees that were in way of construction of a cell tower that Mr. Slapnicka was having built. Mr. Oliver said that Mr. Slapnicka applied for grant reimbursement at that time. Mr. Oliver said that Mr. Sam Seay, Grant Administrator at that time, told Mr. Oliver and Chief VanEckhoutte that he was not going to approve the application by Mr. Slapnicka as it did not meet the conditions for the Grant, and that Mr. Seay would not allow the brush trailer to be used for hauling of slash and trees from the project. Mr. Oliver continued, saying that Mr. Seay was removed as Grant Administrator in the spring of 2009 by Chief VanEckhoutte, and the last Quarterly Report, ending 3-31-09, submitted by Mr. Seay, without review by the Fire Chief, showed approval of payment of \$1200 to Mr. Slapnicka. The Department received a check from the State which included the questioned reimbursement to Mr. Slapnicka. Mr. Oliver said that Chief VanEckhoutte, as Administrator, and himself, as the Clerk, would not approve the payment as they felt that construction projects were not included in the Grant. Mr. Oliver said the following Quarterly Report submitted by the Department, returned the questioned \$1200 to the State, along with an unrelated disallowed payment. Mr. Oliver said that the Department did receive but did not keep payment for Mr. Slapnicka's application. Mr. Oliver said that even though the application had previously been denied, Mr. Slapnicka had been told by the Grant Administrator, Mr. Seay, that the application Mr. Slapnicka had made would be approved. Mr. Oliver said that conflicting decisions by bureaucrats ought to be avoided, and payment should be made to Mr. Slapnicka based on Mr. Seay's approval of payment. Mr. Oliver said that he did not feel it was proper to fund this grant reimbursement, but in the interest of time, expediency, and fairness to other Grant applicants, he made a motion to pay Mr. Slapnicka \$1200 for payment in full for his Grant application. Mrs. Holmes seconded the motion. Mrs. Dawson asked for discussion. Mrs. Dawson asked Mr. Oliver if there was specific Board action in removing Mr. Sam Seay as the Administrator. Mr. Oliver said that the Grants were made in the Fire Chief's name, it was the Chief's decision to make, Mr. Seay had been appointed Grant Administrator by the Fire Chief, Mr. Ray Larsen, and it was the Fire Chief's purview to remove him. Mr. Oliver said naming the Administrator was not a Board matter. Mrs. Dawson asked Chief VanEckhoutte if she had removed Mr. Seay as Administrator. Chief VanEckhoutte said she had, and when asked by Mrs. Dawson, Chief VanEckhoutte said she took over the position as Administrator. Chief VanEckhoutte explained the Grant process to Mrs. Dawson, saying that all applications were in her name. Chief VanEckhoutte said that applications were being made that she wasn't aware of, and she felt that

more control of the Grants was needed. Mrs. Dawson asked Chief VanEckhoutte if any other requests for payment had been made that were turned down, and Chief VanEckhoutte said that there had been one. Mrs. Dawson asked for confirmation that the money had been sent back to the State. Mr. Oliver said that the money, by credit on Quarterly Reports, had been returned. Mrs. Dawson asked if that had been documented. Mr. Oliver said that there was documentation. Mrs. Dawson discussed several aspects of small claims court, filing fees, and said that she did not feel she had been properly served with the claim. Mrs. Dawson listed the Service requirements she had found on the internet, said that Chief VanEckhoutte was not served properly, and asked Mr. Oliver if he felt his Claims Service was proper. Mr. Oliver said that he thought the Claimant could properly serve the papers, that is what had happened, and he felt it was proper. Mr. Oliver said that there was a motion before the Board when Mrs. Dawson spoke about answering the Complaint, even though she did not feel she had been properly served. Mrs. Dawson said that filing fees should be included in the payment. A discussion between the Board and the Fire Chief ensued about filing fees, amounts, and if all Board members had to pay, or just the Department fee. Mr. Oliver said that the motion before the Board was to pay the claim, if the claim was paid, further court action would not take place. Mr. Oliver said that our response could simply be that the claim had been paid, and that the filing fee might have to be made. Mr. Oliver requested that the Board take up his motion. Mrs. Dawson asked for all in favor of the motion to pay the \$1200 to Mr. Slapnicka, the Vote was unanimous to approve the motion. Mrs. Dawson again referenced internet material saying she had not been properly served. Mrs. Dawson said that the complaint must be answered, and Mr. Oliver disagreed, saying that if Mr. Slapnicka was paid, there was no claim, but that the Court could be notified of the payment by answering the complaint. The details of answering the Complaint, filing fees, and who should prepare the documents was discussed at length by the Board. Mrs. Holmes said she has not been served yet. Mrs. Holmes asked that the Fire Chief get the needed details for answering this complaint. The Board decided that the Fire Chief would prepare the answer for the Board, the Board members would sign the document, and any filing fees will be paid. Chief VanEckhoutte will pay Mr. Slapnicka, with receipt for the payment, prior to the filing of our response. February 8th was given as the deadline for filing.

Mr. Oliver made a motion to adjourn the meeting. Mrs. Holmes seconded, the vote to adjourn was unanimous.

Mrs. Dawson adjourned the meeting at 2:26pm, 29 January, 2010

Submitted: 1 February, 2010, by James Oliver

Approved: _____ Chairman _____,

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